

United States District Court
for the District of Utah

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

JUN 13 2005

MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

**Request and Order for Modifying Conditions of Supervision
With Consent of the Offender**
(Waiver of hearing attached)

Name of Offender: **Francis Hall**

Docket Number: **2:01-CR-00331-001-DKW**

Name of Sentencing Judicial Officer: **Honorable David Winder**

Date of Original Sentence: **December 17, 2001**

Original Offense: **Coercion and Enticement for Illegal Sexual Activity**

Original Sentence: **60 Months Probation**

Type of Supervision: **Probation**

Supervision Began: **December 17, 2001**

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

The defendant shall be allowed to possess and/or use a computer with access to any 'on line computer service' for business purposes only. Use shall be limited to the acceptable use agreement signed by the defendant.

CAUSE

Francis Hall, the defendant, shall have access to the Internet for business purposes only. This will include all business for the auto shop in Vernal and the Hall Company, Inc. (construction company), which is located at the defendant's residence in Riverton, Utah. It is understood that the computer in Vernal, Utah, will need to be accessed via password and/or code and will be inaccessible to the defendant unless his daughter and/or son personally monitor his use (see attached Acceptable Use of the Internet Agreement). The defendant will have full access to the computer, located in his home, for Hall Company, Inc.

I declare under penalty of perjury that the foregoing is true and correct

Jody Phillips Gerber, U.S.P.O.
Jody Phillips Gerber, U.S. Probation Officer
Date: June 8, 2005

THE COURT ORDERS:

- ☒ The modification of conditions as noted above
☐ No action
☐ Other

David K. Winder
Honorable David K. Winder
Senior United States District Judge

Date: 6-10-05

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
PROBATION AND PRETRIAL SERVICES OFFICE**

**WAIVER OF RIGHT TO HEARING PRIOR TO
MODIFICATION OF CONDITIONS OF SUPERVISION**

I have been advised by United States Probation Officer Jody Phillips Gerber that he/she has submitted a petition and report to the Court recommending that the Court modify the conditions of my supervision in Case No.2:01-CR-00331-001 W. The modification would be:

The defendant shall be allowed to possess and/or use a computer with access to any 'on line computer service' for business purposes only. Use shall be limited to the acceptable use agreement signed by the defendant.

I understand that should the Court so modify my conditions of supervision, I will be required to abide by the new condition(s) as well as all conditions previously imposed. I also understand the Court may issue a warrant and revoke supervision for a violation of the new condition(s) as well as those conditions previously imposed by the Court. I understand I have a right to a hearing on the petition and to prior notice of the date and time of the hearing. I understand that I have a right to the assistance of counsel at that hearing.

Understanding all of the above, I hereby waive the right to a hearing on the probation officer's petition, and to prior notice of such hearing. I have read or had read to me the above, and I fully understand it. I give full consent to the Court considering and acting upon the probation officer's petition to modify the conditions of my supervision without a hearing. I hereby affirmatively state that I do not request a hearing on said petition.

Francis Hall
Francis Hall

6/8/05
Date

Jody Phillips Gerber
Witness: Jody Phillips Gerber
United States Probation Officer

ACCEPTABLE USE OF THE INTERNET AGREEMENT

Francis Hall, the defendant, will have access to the internet for business purposes only. This will include all business for the auto shop in Vernal and Hall Company, Inc.(construction company), which is located at the defendant's residence in Riverton, Utah. It is understood that the computer in Vernal, Utah will need to be accessed via password and/or code and will be inaccessible to the defendant unless his daughter and/or son personally monitor his use. The defendant will have full access to the computer, located in his home, for Hall Company, Inc.

The defendant will not utilize the Internet for unlawful or unethical purposes or to support or assist such purposes. The defendant is restricted from contact with individuals who are under 18 years of age without adult supervision, including contact via the Internet. Most Internet sites maintain records of all users or entities accessing their resources, and these records may be open to inspection and publication without the user's knowledge and/or consent. The United States Probation Office reserves the right to inspect all computers accessed by the defendant. If at any time an inspection reveals that the defendant has violated this agreement in any manner, he will be returned to Court for violation proceedings.

The defendant is prohibited from:

1. Using computers for activities that are illegal, inappropriate, or offensive to the public, such as hate speech, or material that ridicules others on the basis of race, creed, religion, color, gender, disability, national origin, or sexual orientation. Creating, downloading, viewing, storing, copying, transmitting, or re-transmitting sexual explicit or sexually oriented material;
2. Creating, downloading, viewing, storing, copying, transmitting, or re-transmitting material related to illegal gambling, illegal weapons, terrorist activities, and any other illegal or prohibited activities;

I understand all of the above information and agree to the stipulations set forth in this agreement. I understand that if I am found to not be in compliance with any part of this agreement, my case could be returned to Court for violation proceedings.

Francis Hall 4/8/05
Francis Hall (Defendant) Date

Jody Herbert 06/08/05
Witness (Probation Officer) Date